

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, SEPTEMBER 21, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: NONE

ALSO PRESENT: Larry Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by PENZIEN seconded by AUSILIO to approve the agenda as presented.

MOTION carried.

3. Approval of the September 7, 2004 previous Meeting Minutes

MOTION by KRZEMINSKI seconded by KOEHS to approve the September 7, 2004 previous Meeting Minutes as submitted.

MOTION carried.

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AGENDA ITEMS:

4. Rezoning Request; Commercial Shopping Center (C-3) to Residential Multiple Medium Density (R-2); Located on the southwest corner of 21 Mile Road and Card Road (excluding the immediate corner). Vittiglio Realty, Petitioner. Permanent Parcel No. 08-34-200-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Tom Vittiglio

Public Portion: Wallace Perry, Township resident, addressed the concerns of adjacent residents residing on property across the Miller drain. Further, the main concern is the difference between residential and commercial landscaping.

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the petitioners request to rezone the property from Commercial Shopping Center (C-3) to Residential Multiple Medium Density (R-2); specifically finding that it provides uniformity with the existing development to the south and west. Permanent Parcel No. 08-34-200-014. This motion is based on the Planning Consultants recommendations as follows:

It is recommended that the rezoning of the property be approved. Although the rezoning is not in exact accordance with the master plan, it does provide uniformity with the existing development to the south and west.

MOTION carried.

5. Revised Site Plan; The Retreat Condominiums; Located on the northeast corner of North Avenue and 22 Mile Road. Lombardo North Ave. Properties, Petitioner. Permanent Parcel No. 08-24-300-013

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval, further indicating the elimination of the phase lines so that the property can be developed as one plat.

Petitioner Present: Greg Windingland

Public Portion: None.

Member THOEL addressed his concerns regarding the information on the plans describing a limit of two hundred (200) Certificate of Occupancy permits. Mr. THOEL recommended that the petitioner revise the plan to show a limit of two hundred (200)

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Building Permits prior to the completion of 22 Mile Road. Mr. Windingland agreed to the revisions described.

The Members of the Board and Township Planning Consultant discussed the plans for handicap parking areas, the temporary sales trailer and flags poles listed on the plans. Mr. Windingland indicated the flag poles are not designated for advertisement purposes.

MOTION by PENZIEN seconded by KOEHS to approve the revised Site Plan; The Retreat Condominiums; Conditioned on the number of building permits limited to two-hundred (200) until the construction of 22 Mile Road is completed. Site Plan Sheet No. 8 be revised to reflect two-hundred (200) Building Permits; eliminating “two-hundred (200) Certificate of Occupancy permits.” Flag Poles designated on the site plan be approved provided that no flags are flown for advertising purposes. Site Plan be revised to reflect pedestrian walkway between the parking area and temporary sales trailer including the required handicap ramps. That all of the requirements of the master deed and exhibits must be submitted and approved by the Township Assessor and Township Attorney. That the Township Board of Trustees approve the use of the temporary sales trailer. That the petitioner submit the revised plans as discussed to the Township Planning Department for their records. Permanent Parcel No. 08-24-300-013. This motion is based on the Planning Consultants recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.

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5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department. *The required surety for this site has been posted.*
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on

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the flood plain map as prepared by FEMA, prior to the issuance of any building permits.

- 14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.**
- 15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.**
- 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.**
- 17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
- 19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
- 20. That all requirements of the Zoning Ordinance be met.**
- 21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.**
- 22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**

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23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
24. That the number of building permits shall be limited to 200 until the construction of 22 Mile Road is completed.
25. The revised plans be submitted for the Temporary Sales Trailer to provide for walkway in front of the trailer and required handicap ramps.
26. That the flagpoles be approved provided no flags are flown for advertising purposes.

Based on the approval granted by the Township Planning Commission on September 21, 2004, your final engineering plans may be submitted to the Township Water and Sewer Department. The above approval confers no right to land balancing, installation of any utilities, curb cuts, foundations, footings, or construction of any kind. The next step in the process is to submit the engineering plans to the Water and Sewer Department.

Upon receipt of the following, the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- Notification from the Township Consulting Engineer that the engineering plans have been approved.

MOTION carried.

6. Rezoning Request; Agricultural (AG) to Commercial Shopping Center (C-3); Located on the north side of 22 Mile Road on the east and west sides of Heydenreich Road. O'Reilly Rancilio PC, Petitioner. Permanent Parcel No. 08-21-400-012.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: Robert Davis, Attorney

Mr. Davis stated, "When Heydenreich Road is completed the ability to develop the parcels to the east and west residentially will be severely limited. Further, the reasonable development for the area is commercial."

Public Portion: Linda Hicks, Township resident, reviewed the (C-3) zone pertaining to the development density. The Community Planning Consultant and Members of the Board described the different types of developments within a (C-3) zone.

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MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the petitioners request to rezone the property from Agricultural (AG) to Commercial Shopping Center (C-3); specifically finding that the proposed rezoning request is inconsistent with the goals of the Master Plan and the development of the surrounding properties. Permanent Parcel No. 08-21-400-012. This motion is based on the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**
- 2. The proposed rezoning is inconsistent with the development of the surrounding properties.**

MOTION carried.

7. Rezoning Request; Agricultural (AG) to Commercial Local (C-1); Located on the north side of 22 Mile Road approximately 202 feet east of the centerline of future Heydenreich Road. O'Reilly Rancilio PC, Petitioner. Permanent Parcel No. 08-22-300-008.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: Robert Davis, Attorney

Public Portion: Elaine Geffert, Township resident, addressed her concerns regarding future access areas to the east and west for future Heydenreich Road.

Member AUSILIO discussed with the Community Planning Consultant the difference between (C-1) and (C-3) zones pertaining to developing purposes.

MOTION by KRZEMINSKI seconded by AUSILIO to move on the Planning Consultants recommendations and forward the proposal to the Township Board of Trustees to deny the petitioners request to rezone the property from Agricultural (AG) to Commercial Local (C1); specifically noting the proposed rezoning is inconsistent with the goals of the Master Plan and surrounding developments. Permanent Parcel No. 08-22-300-008. This motion is based on the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**
- 2. The proposed rezoning is inconsistent with the development of the surrounding properties.**

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MOTION carried.

8. Final Preliminary Plat; Gateway Village Estates Subdivision (58 lots); Located on the east side of Hayes Road and 1000' north of 24 Mile Road; Section 7; Sal Mar Gateway LLC, Petitioner. Permanent Parcel No. 08-07-300-014

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Thomas Treppa, Attorney & Peter Maniccia

Public Portion: John Stepek, Township resident, addressed his concerns regarding the location of the proposed Gateway Village and Gateway Village Estates Subdivision developments. Mr. Treppa reviewed the locations of the developments described.

Member THOEL addressed his concerns regarding handicap ramps. The petitioners acknowledged the areas of concern and agreed to correct the plans reflecting the handicap areas as approved on the Tentative Preliminary Plat. Member THOEL held further discussion regarding the plat's common areas.

MOTION by AUSILIO seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Gateway Village Estates Subdivision (58 lots); Permanent Parcel No. 08-07-300-014. This motion is based on the Planning Consultants recommendations as follows:

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approves all engineering plans for the computed plat.

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3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.

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11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. The items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the plans be revised indicating the handicap areas on Cottonwood Drive as they appear on the Tentative Preliminary Plat.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None.

PLANNING COMMISSION COMMENTS: None.

9. Motion to receive and file all correspondence in connection with this agenda.

MOTION by PENZIEN seconded by AUSILIO to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by AUSILIO seconded by KOEHS to adjourn the meeting at 7:50 P.M.

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MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb